APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,632	11/15/2001	Sumio Nishiyama	Q66942	7412

65565 7590 11/13/2007	EXAMINER
SUGHRUE-265550	BENGZON, GREG C
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		09/987,632	NISHIYAMA, SUMIO
		Examiner	Art Unit	
		Greg Bengzon	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-8 and 11-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-8,11-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This application has been examined. Claims 1,4-8,11-18 are pending. Claims 2-3, 9-10 are cancelled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/10/2007 has been entered.

Priority

This application claims benefits of priority from Foreign Application (Japan) P2000-349470 filed November 16, 2000.

The effective date of the claims described in this application is November 16, 2000.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,4-8,11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ashby et al. (EP 0943895) in view of Tagi (US Patent 6473790) further in view of

Carroll (US Patent 6421610) further in view of Mikuni (US Patent 5543788).

Ashby disclosed (re. Claim 1) a plurality of data files structured individually by

dividing distributed data (Ashby Paragraph 53) , wherein each of the data files is

classified by type of each data file and is further classified by function (Ashby-Paragraph

74-75) of each data file, and data distribution means for selecting, from among the

plurality of data files, *only data files that are necessary to constitute the distributed data*,

(Paragraph 55) combining the selected data files into distributed data, (Ashby-

Paragraph 71,*'data in each parcel are logically and/or physically grouped together'*) and

distributing the distributed data.

Ashby disclosed (re. Claim 1) a plurality of data files that respectively relate to

functions (Ashby – Figure 5,Paragraph 53,*'each separate subset is tailored specifically*

for use by one of the functions')

However Ashby did not explicitly disclose the term distribution server and

w*herein the plurality of data files do not overlap with each other.*

Tagi disclosed a distribution server (Tagi-Column 1 Lines 6-9, Column 2 Lines 57

thru Column 3 Lines 63).

Ashby and Tagi are analogous art because they present concepts and practices

regarding the distribution of data to mobile terminal apparatus. At the time of the

invention it would have been obvious to a person of ordinary skill in the art to combine

Tagi into Ashby. The motivation for said combination would have been to help the user

for navigating an unfamiliar building or territory. (Tagi-Column 1 Lines 24-31)

Carroll disclosed generating a nearly seamless mosaiced image covering the

entire area of interest, such that *the plurality of data files do not overlap with each other*.

There is neither overlap from one cell to an adjacent cell, nor is there any portion of the

entire geospatial image which is omitted when adjacent cells are viewed together.

(Carroll-Column 5 Lines 20-25)

Ashby,Tagi, and Carroll are analogous art because they present concepts and

practices regarding the distribution of data to mobile terminal apparatus. At the time of

the invention it would have been obvious to a person of ordinary skill in the art to combine Carroll into Ashby-Tagi. The motivation for said combination would have been to provide seamless transition from one sector to another. (Carroll- Column 3 Lines 35-40)

Ashby-Tagi-Carroll disclosed retrieving and displaying layers of the geographic database, where layers are suppressed or added on the display according to the navigation function selected (Ashby-Paragraph 57-58). Ashby-Tagi-Carroll disclosed where the user is able to input information into the navigation system (Ashby-Paragraph 42) and wherein the user has options on what information is displayed on the system (Ashby-Paragraph 56). Furthermore Carroll disclosed selecting particular portions/layers of a geographic imagery (Carroll-Column 3 Lines 15-25).

However, Ashby-Tagi-Carroll does not explicitly disclose (re. Claim 1) *wherein the data distribution means responds to a formation condition set at a terminal to receive data distribution from said data distribution server and selects data files fitted for the formation condition from among the plurality of data files.*

Furthermore Ashby-Tagi-Carroll does not explicitly disclose (re. Claim 1) *wherein identification codes by function are assigned to the plurality of data files and any desired identification code is specified at the terminal, whereby the formation condition of the distributed data is set.*

The Examiner considers these limitations as obvious in view of the current prior art by Ashby-Tagi-Carroll. However the Examiner is presenting prior art by Mikuni in an

effort to expedite the prosecution, pending further consideration of the Ashby-Tagi-

Carroll prior art.

Mikuni has overlapping disclosures with Ashby-Tagi-Carroll regarding selection

of geographic data files for display.

Mikuni disclosed (re. Claim 1) *wherein the data distribution means responds to a*

formation condition set at a terminal to receive data distribution from said data

distribution server and selects data files fitted for the formation condition from among

the plurality of data files. (Mikuni-Figure 6,Column 2,' *user must select the required*

piece of information to display among layers of information')

Mikuni disclosed (re. Claim 1) *wherein identification codes by function are*

assigned to the plurality of data files and any desired identification code is specified at

the terminal, whereby the formation condition of the distributed data is set. (Mikuni-

Figure 6,Column 2,' *user must select the required piece of information to display among*

layers of information')

It would have been well-known in the networking art to use a map name as

disclosed by Mikuni, such that said map name is descriptive of the function that is

desired and thus present an equivalent *identification code by function.*

Ashby-Tagi-Carroll and Mikuni are analogous art because they present concepts

and practices regarding the distribution and presentation of geographic data. At the

time of the invention it would have been obvious to a person of ordinary skill in the art to combine Mikuni into Ashby-Tagi-Carroll. The motivation for said combination would have been provide a more efficient display process. (Mikuni-Column 2 Lines 40)

Ashby-Tagi-Carroll-Mikuni disclosed (re. Claim 4) wherein the data files are files of data by function into which data concerning a map is divided by navigation function.(Ashby-Paragraph 55)

Ashby-Tagi-Carroll-Mikuni disclosed (re. Claim 5) wherein a required function for navigation is specified at a navigation system of a terminal to set the formation condition of the distributed data. (Ashby-Paragraph 55)

Ashby-Tagi-Carroll-Mikuni disclosed (re. Claim 6) wherein the data files are files of data by function of at least a display function, a locating function, a search function, and a route calculation function. (Ashby-abstract)

Ashby-Tagi-Carroll-Mikuni disclosed (re. Claim 7) wherein the data files are files of data by function of at least a display function, a locating function, a search function, and a route calculation function. (Ashby-Paragraph 39)

Claims 8,11,-12 are rejected on the same basis as Claims 1,4-7.

Ashby-Tagi-Carroll-Mikuni disclosed (re. Claim 13) wherein, when an update to

the potential distributed data is performed, only a data file or data files, which are

necessary to implement the update, are changed. (Carroll-Column 5 Lines 25-30)

Carroll disclosed selecting a portion(s) of geographic information, manipulating

said portion(s) separately, and re-integrating said portion(s) (Carroll-Column 6 Lines 35-

40). It would be obvious to a person of ordinary skill in the art that by when updating a

portion on an individual basis, only that same portion will be required to implement an

update.

Claims 14-18 are rejected on the same basis as Claims 1 and 13.

Ashby-Tagi-Carroll-Mikuni disclosed (re. Claim claims 17 and 18) where data

files are <u>selected </u>(Carroll-Column 5 Lines 25-30, Mikuni-Figure 6,Column 2,' *user must*

select the required piece of information to display among layers of information') and that

the selected data files are <u>combined </u>into distributed data (Carroll-Column 6 Lines 35-40,

Ashby- Paragraph 71,*'data in each parcel are logically and/or physically grouped*

together'), <u>in response to a request from a user terminal.</u> (Carroll-Column 5 Lines 25-30,

Mikuni-Figure 6,Column 2,' *user must select the required piece of information to display*

among layers of information')

Response to Arguments

Applicant's arguments filed 08/09/2007 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant presents the following argument(s) [*in italics*]:

... Ashby does not disclose or suggest that identification codes by function are assigned to the navigation functions, much less disclosing that any desired identification code is specified by the end-user, whereby a formation condition of the navigation functions desired...

The Examiner considers these limitations as obvious in view of the current prior art by Ashby-Tagi-Carroll. However the Examiner is presenting prior art by Mikuni in an effort to expedite the prosecution, pending further consideration of the Ashby-Tagi-Carroll prior art.

Mikuni has overlapping disclosures with Ashby-Tagi-Carroll regarding selection of geographic data files for display.

Mikuni disclosed (re. Claim 1) *wherein the data distribution means responds to a formation condition set at a terminal to receive data distribution from said data*

distribution server and selects data files fitted for the formation condition from among

the plurality of data files. (Mikuni-Figure 6,Column 2,' *user must select the required*

piece of information to display among layers of information')

Mikuni disclosed (re. Claim 1) *wherein identification codes by function are*

assigned to the plurality of data files and any desired identification code is specified at

the terminal, whereby the formation condition of the distributed data is set. (Mikuni-

Figure 6,Column 2,' *user must select the required piece of information to display among*

layers of information')

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in

the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.
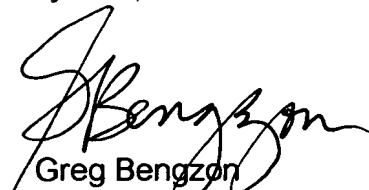
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Greg Bengzon
Patent Examiner, AU 2144